

Remarks

This is in further response to the Office Action mailed on June 9, 2003. New claims 6-14 have been added. Claims 1-4 and 6-14 are pending. The new claims are supported by the original disclosure. No new matter has been added. Reconsideration and allowance are respectfully requested.

Applicants would like to thank the Examiner for the personal interview conducted on February 6, 2004 with the undersigned. During the interview, proposed claim amendments were discussed with the Examiner. As indicated on the Interview Summary record provided by the Examiner (paper no. 16), the Examiner did not believe that the proposed amendments would overcome the cited references. No agreement was reached concerning the allowability of any claims.

In view of the Advisory Action mailed October 14, 2003, and the Request for Continued Examination filed December 8, 2003, it is Applicant's understanding that the amendment filed on October 8, 2003 will be entered.

In the prior office action, claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gardner, U.S. Patent No. 2,920,874.

In addition, claims 1 and 2 were rejected under section 102(b) as being anticipated by Vollhardt, U.S. Patent No. 3,229,762.

Further, claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gardner or Vollhardt in view of Kessler, U.S. Patent No. 1,621,742.

The amendment filed on October 8, 2003 discusses why claims 1-4 are patentable over the prior art. Since that amendment will be entered, those arguments will not be repeated here.

With respect to new claims 6-14, Gardner, Vollhardt and Kessler do not teach or suggest a tube plate having a plurality of tube bores extending substantially transversely to the plane of the tube plate from the back face to the top face, with each tube bore extending through the back face and through the top face.

In Gardner, the openings 14 do not extend through the cover plate 9, so that the openings do not extend through the outer face of the plate 9. Moreover, the openings 14 extend into compartments 8 defined by partition walls 5. Therefore, even construing the outer faces of the partition walls 5 as the outer face of the tube plate, the openings 14 do not extend through the outer face of the walls 5.

In Vollhardt, the bores 9 do not extend through the outer face of the head 4.

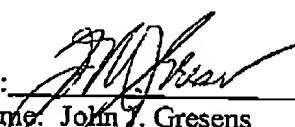
In Kessler, channels are L-shaped with two branches 16, 17. The channels do not extend transversely as claimed, and do not extend from and through a back face and a top face.

Therefore, claims 6-14 are patentable over Gardner, Vollhardt and Kessler.

Claims 1-4 and 6-14 are now in condition for allowance. Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. The Examiner is encouraged to contact the undersigned attorney with any questions regarding this application.

Respectfully submitted,
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